

Attorney Docket:
33808 F 137



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christophe LACROIX et al.
Serial No.: 09/718,427
Filing Date: November 24, 2000
Group Art Unit: 1712
Examiner: Patricia A. Short
For: THERMOPLASTIC POLYESTER COMPOSITIONS
HAVING IMPROVED IMPACT PROPERTIES

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated March 13, 2002, please consider the following remarks.

In the Office Action, restriction is required as between the following groups of claims:

- I. Claims 1-3, 5-9 and 11, drawn to a composition comprising thermoplastic polyester, core shell copolymer and ethylene copolymer, classified in claim 525, subclass 64;
- II. Claim 4, drawn to a composition comprising thermoplastic polyester, core shell copolymer, ethylene copolymer and polycarbonate, classified in class 525, subclass 67; and
- III. Claim 10, drawn to a composition comprising core shell copolymer and ethylene copolymer, classified in class 525, subclass 74.

Applicants hereby elect, with traverse, to prosecute the claims of Group I, i.e., claims 1-3, 5-9 and 11.

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In addition, the Office Action requires Applicants to make an election of species from among the following species: the ethylene copolymer that are ethylene-alkyl (meth)acrylate-maleic anhydride copolymers and ethylene-alkyl (meth)acrylate-unsaturated epoxide copolymers.

Applicants hereby elect, with traverse, to prosecute ethylene-alkyl (meth)acrylate-unsaturated epoxide copolymers as the species. ✓

Applicants respectfully request that all of the claims and both species be examined in a single application.

According to Section 803 of the MPEP:

“If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.”

Applicants respectfully submit that a search and examination of all the claims and both species in the instant application would not pose a serious burden. A search and examination covering the subject matter of one group of claims and one of the species will most likely overlap with a search and examination directed to the subject matter of the other groups of claims and the other species, and further will also most likely lead to the discovery of art relevant to the subject matter of the remaining claims and species.

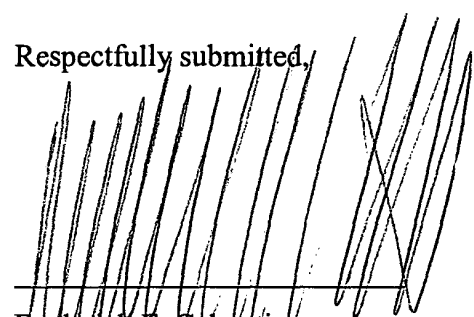
Thus, for at least this reason, Applicants submit that search and examination of all the claims and both species in the instant application would not be unduly burdensome, and, therefore, restriction between the two groups of claims and election between the species should not be required.

Accordingly, Applicants respectfully request that the restriction requirement and election of species requirement be withdrawn and that all of the claims and both species be considered in a single application.

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The Commissioner is hereby authorized to charge any fees, which may be required for this paper, or credit any overpayment to Deposit Account No. 02-4300, Order No. 033808.137.

Respectfully submitted,



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Date : April 9, 2002

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